

**REPORT OF THE  
ADMINISTRATIVE RULES AND REGULATIONS COMMITTEE  
OF THE  
ARKANSAS LEGISLATIVE COUNCIL**

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**December 19, 2008**

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Mr. Co-Chairmen:

The Committee on Administrative Rules and Regulations met at 9:00 a.m. on Thursday, December 4, 2008, in Room 151 of the State Capitol. The following committee members attended: Senator John Paul Capps and Representative Daryl Pace, Chairs; Senators Percy Malone, Steve Bryles and Kim Hendren; Representatives Johnny Key, Chris Thyer, David Dunn, Lamont Cornwell and Scott Sullivan. Other legislators attended as follows: Senators Paul Bookout, Randy Laverty and Terry Smith, and Jimmy Jeffress; Representatives Larry Cowling, Bill Sample, Monty Davenport, George Overbey, Curren Everett, Bruce Maloch, Bill Abernathy, Tommy Baker, Gregg Reep, John Lowery, Lance Reynolds, Johnny Hoyt, R. J. Saunders, Eric Harris, Clark Hall, Johnnie Roebuck, David Rainey, Randy Stewart, Charolette Wagner, David Wyatt, Nathan George, Jerry Brown, Frank Glidewell, Billy Gaskill, Donna Hutchinson, and Buddy Lovell. Richard Carroll, Representative-Elect also attended.

1. **The Committee completed its review of the following rules filed pursuant to A.C.A. § 10-3-309:**

**DEPARTMENT OF EDUCATION (Tripp Walter)**

- a. Purchase of Instructional Materials by Arkansas School Districts

**DEPARTMENT OF HEALTH, CENTER FOR HEALTH PROTECTION,  
EMERGENCY MEDICAL SERVICES AND TRAUMA SYSTEMS (David Taylor)**

- a. Rules and Regulations for Trauma Systems

**DEPARTMENT OF HEALTH, PUBLIC HEALTH PRACTICE (Lynda Lehing)**

- a. Hospital Discharge Data Submittal Guide

**DEPARTMENT OF HUMAN SERVICES, BEHAVIORAL HEALTH SERVICES (Charlotte Carson, Breck Hopkins)**

- a. RSPMI Provider Certification Amendment 1

**DEPARTMENT OF HUMAN SERVICES, SERVICES FOR THE BLIND (Katy Morris, Jim Pearson)**

- a. Vendor Operating Procedures

**DEPARTMENT OF HUMAN SERVICES, COUNTY OPERATIONS (Larry Crutchfield)**

- a. Food Stamp Policy 6400; Dependent Care Deduction.
- b. Food Stamp Policy 4420 and 4460; Retirement and Educational Accounts

**DEPARTMENT OF HUMAN SERVICES, FINANCE AND ADMINISTRATION (Charlene Young-Hauser, Damien Hicks)**

- a. Administrative Procedures Manual, Chapter 303, Vendor Maintenance

**DEPARTMENT OF HUMAN SERVICES, MEDICAL SERVICES (Marilyn Strickland)**

- a. Arkansas Medicaid State Plan Amendment #2008-013; Personal Care Rate Increase
- b. Arkansas Medicaid State Plan Amendment 2007-021; Private Duty Nursing Services
- c. Hyperalimentation Update #116; and Prosthetics Update #123
- d. Occupational, Physical and Speech Therapy Services Provider Manual Update #105; Physician/Independent Lab/CRNA/Radiation Therapy Center Provider Manual Update #162; Home Health Provider Manual Update #119; Nurse Practitioner Provider Manual Update #108; Hospital/Critical Access Hospital (CAH)/End Stage Renal Disease (ESRD) Provider

Manual Update #148; Child Health Management Services Provider  
Manual Update #115; Rehabilitative Hospital Update #107

- e. Arkansas Medicaid State Plan Amendment #2008-019 and  
Rehabilitative Services for Persons with Mental Illness (RSPMI)  
Update No. 110

**ARKANSAS STATE POLICE (Col. Winford Phillips, Lt. Cora Gentry)**

- a. Concealed Handgun Carry License Rules

**OIL AND GAS COMMISSION (Maurice Rigsby)**

- a. Rule A-3; Additional Requirements for Specific Types of Hearings
- b. Rule B-43; Establishment of Drilling Units for Gas Production  
from Conventional and Unconventional Sources of Supply  
Occurring in Certain Prospective Areas not Covered by Field  
Rules

**SECURITIES DEPARTMENT (Heath Abshure, Shannon Underwood)**

- a. Money Services Rules

**ARKANSAS VETERINARY MEDICAL EXAMINING BOARD (Sherry  
Glover)**

- a. Revisions to Rules and Regulations
2. The committee adopted the report of the House and Senate Interim Committees on Public Health, Welfare and Labor concerning the Department of Health Trauma Systems Rule. The committees recommended review of the rule.
  3. The committee adopted the report of the Joint Public Retirement and Social Security Programs Committee concerning Policy 9-1, Age and Service Voluntary Retirement for the Arkansas Teacher Retirement System. This change to the system's rules would allow cost of living adjustments to be compounded when actuarially appropriate. In its report, the Retirement Committee voted to continue its review of this rule and therefore, offered no recommendation at this time.

4. The committee agreed to hold the State Board of Cosmetology's rule revisions in committee until the board provides written information on why the fee changes are necessary. This will be placed on the December 18, 2008 committee agenda.
5. Due to the absence of the agency personnel, the Arkansas Development Finance Authority's 2008 Market Study Guidelines for Affordable Rental Housing will be considered on December 18, 2008.
6. The Arkansas State Police's Concealed Handgun Carry License Rules were reviewed with a recommended change. The change would be to that "Completion of an NRA Basic Pistol Shooting Course and Range Officer Safety Course is recognized by the department for an instructor certificate... ."
7. The committee reviewed the Department of Human Services, Medical Services, Arkansas Medicaid State Plan Amendment #2008-019 and Rehabilitative Services for Persons with Mental Illness (RSPMI) Update No. 110. Don Sullivan, Providers Association of Arkansas and Steve Newsome, President of Mental Health Council of Arkansas, spoke in favor of the rule. Don Martin, Administrator of the Community Mental Health Program in Garland and Pike Counties felt the rule needed more work. The committee requested that Marilyn Strickland work with Mr. Martin on his concerns.

Respectfully submitted,

Senator John Paul Capps, Co-Chair

Representative Daryl Pace, Co-Chair

REPORT  
OF THE  
HOUSE AND SENATE INTERIM COMMITTEES  
ON  
PUBLIC HEALTH, WELFARE AND LABOR

November 10, 2008

Mr. Co-Chairmen:

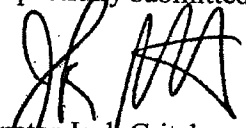
At its meeting on November 6, 2008 ALC/Administrative Rules & Regulations Committee referred the following rule to the House & Senate Interim Committees on Public Health, Welfare & Labor:


**DEPARTMENT OF HEALTH**

a. Trauma Systems

On November 10, 2008 the House & Senate Interim Committees on Public Health, Welfare & Labor met and reviewed this rule.

Respectfully submitted,

  
Senator Jack Critcher, Chair  
Senate Interim Committee on Public  
Health Welfare & Labor

  
Rep. Eddie Cooper  
House Interim Committee on Public  
Health, Welfare & Labor

JC:EC:KB:jw

REPORT  
OF THE  
JOINT INTERIM COMMITTEE ON PUBLIC RETIREMENT AND  
SOCIAL SECURITY PROGRAMS

TO THE  
ADMINISTRATIVE RULES AND REGULATIONS COMMITTEE  
OF THE ARKANSAS LEGISLATIVE COUNCIL

December 4, 2008

Senator John Paul Capps, Chair  
Representative Daryl Pace, Chair  
Administrative Rules and Regulations Committee, Arkansas Legislative Council

Mr. Chairmen:

At its meeting on November 6, 2008, the Committee on Administrative Rules and Regulations referred to the Joint Committee on Public Retirement and Social Security Programs, the Arkansas Teacher Retirement System's changes to Rules and Regulation No. 9-1 to compound cost of living adjustments, when actuarially appropriate.

On November 24, 2008, the Joint Committee on Public Retirement and Social Security Programs held a hearing and reviewed the Arkansas Teacher Retirement System's changes to Rules and Regulation No. 9-1.

The Committee voted to continue its review of Regulation No. 9-1 and, therefore, offers no recommendation to the Administrative Rules and Regulations Committee at this time.

Respectfully submitted,

Senator Jimmy Jeffress

Representative Eric Harris

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**December 19, 2008**

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Mr. Co-Chairmen:

The Committee on Administrative Rules and Regulations met at 9:00 a.m. on Thursday, December 18, 2008, in Room 151 of the State Capitol. The following committee members attended: The following committee members attended: Representative Daryl Pace, Chair; Senators Percy Malone, Steve Bryles, Kim Hendren and Steve Faris; Representatives Johnny Key, Chris Thyer, and Scott Sullivan. Other legislators attended as follows: Senators Randy Laverty and Bill Pritchard; Representatives David Cook, Clark Hall, Monty Davenport, Randy Stewart, Eric Harris, Allen Maxwell, Billy Gaskill, Nathan George and R.J. Saunders.

1. **The committee completed its review of the following rules filed pursuant to A.C.A. § 10-3-309:**

**ARKANSAS AGRICULTURE DEPARTMENT, STATE PLANT BOARD  
(Terry Walker)**

- a. Regulations on Plant Diseases and Pests; Boll Weevil Regulations for 2009
- b. Regulations on Aquaculture in Arkansas
- c. Regulations on Plant Diseases and Pests; Rice Certification Regulations for 2009

**STATE BOARD OF COSMETOLOGY (Tracy Akard, Sheila Caudle)**

- a. Fee Increase and Other Revisions

**ARKANSAS DEVELOPMENT FINANCE AUTHORITY (Bruce Bokany)**

- a. 2008 Market Study Guidelines for Affordable Rental Housing

**DEPARTMENT OF FINANCE AND ADMINISTRATION, ARKANSAS  
RACING COMMISSION (Byron Freeland, Ron Oliver)**

- a. Revisions to Rules and Regulations:
  - 1. Thoroughbred Rule 1217, Uniform Classification Guidelines for Foreign Substances, Recommended Penalties and Model Rule
  - 2. Rule 1217(A) Anabolic Steroids
  - 3. Rule 1217(A) Shock Wave Therapy
  - 4. EGS Rule 12.2(c) Franchise Holder License
  - 5. Greyhound Rule 1330(f) Uniform Classification Guidelines for Foreign Substances, Recommended Penalties and Model Rule
  - 6. Rule 1211 Horseshoes
  - 7. Rule 1232(c) Medication: Bute
  - 8. Rule 1232(5) Medication: Furosemide (Lasix)
  - 9. Rule 2230 Entries
  - 10. Rule 2426 Claiming
  - 11. Rule 2426(A) Claiming
  - 12. Rule 2434(b) Claiming
  - 13. ESG Rule 27.7 Uncashed EGS Tickets
  - 14. Greyhound Rule 3200(A) Post Positions
  - 15. Instant Racing Multi-Line and Take or Leave Bonus

**HEALTH SERVICES PERMIT AGENCY (Deborah Frazier)**

- a. Regulation 100M; Nursing Home Methodology
- b. Regulation 300M; Home Health Criteria
- c. Regulation 110M; Psychiatric Residential Treatment Facilities (PRTF) Bed Need Methodology

**DEPARTMENT OF HUMAN SERVICES, CHILDREN AND FAMILY  
SERVICES (John Zalenski, Melissa Singleton)**

- a. Revisions to Foster Parent Handbook

**DEPARTMENT OF HUMAN SERVICES, FINANCE AND  
ADMINISTRATION (Charlene Young-Hauser)**

- a. DHS Sub-Grant Policy

**LIVESTOCK AND POULTRY COMMISSION (Jon Fitch)**

- a. EIA (Equine Infectious Anemia) Verifier Regulation



**SECTION 529 REVIEW COMMITTEE (John B. Peace)**

- a. Arkansas Tax-Deferred Tuition Savings Program: Amended and Restated Program Rules and Regulations
  
2. The committee deferred its review of the **Arkansas Racing Commission's Rule 3000 Safety: Use of Controlled Substances or Prescription Drugs by Jockeys and Other Riders**. This rule requires jockeys, exercise riders, outriders, pony riders, and all other licensees who ride, walk, or otherwise directly handle and control any horse on the grounds of Oaklawn Park to report to the stewards any use of a prescription drug or a controlled substance which warns the user to avoid driving or operating equipment while using the prescription or controlled substance. The committee expressed concern on whether a jockey or other rider would know whether the drug was a controlled substance and could inadvertently violate the rule. The committee recommended that the Arkansas Racing Commission revise the rule to address this concern and report to the next meeting of the Administrative Rules and Regulations Committee.

Respectfully submitted,

Senator John Paul Capps, Co-Chair

Representative Daryl Pace, Co-Chair